

'Tis the Season for Lawsuits

By Reg P. Wydeven
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Finally the holidays are upon us. It's definitely my favorite time of year - the parties, the feasts, and the gifts. 'Tis the season to be merry. Peace on Earth, goodwill to men. Everyone is full of holiday cheer. But even holiday cheer doesn't prevent lawsuits.

The state of Connecticut dampened Dan Shelton's holiday spirit when it wouldn't let him sell his holiday spirits. Dan is an owner of Shelton Brothers, a beer distributor from Massachusetts. Shelton applied to the Liquor Control Division of Connecticut's Department of Consumer Protection to sell Seriously Bad Elf beer, a seasonal bitter winter ale.

Connecticut's state law forbids using images that might appeal to children to advertise alcohol, specifically citing Santa Claus. The label for Seriously Bad Elf beer shows a mean-looking elf using a slingshot to fire Christmas ornaments at Santa's sleigh as it passes overhead. Shelton Brothers is also precluded from selling Warm Welcome Nut Brown Ale, which also has a picture of Santa Claus on the label. State officials fear the images may entice children to imbibe this holiday season.

Federal law governs the marketing of alcohol, including what can be printed on beer labels, however, federal regulations do not address marketing to children. Individual states make establish more stringent marketing rules, therefore, even if a beer label is approved federally, it may still require state approval. Currently the 30 other states Shelton Brothers applied to have approved Seriously Bad Elf beer.

After receiving the denial, Shelton Brothers requested a hearing before the Liquor Control Commission. To aid in its appeal, Shelton Brothers called on the American Civil Liberties Union of Connecticut because it feels the state's alcohol regulations are unconstitutional. At the hearing, ACLU attorney Annette Lamoreaux claimed the regulations violate Shelton Brothers' free speech rights, and violate the establishment clause of the Constitution, which prohibits government endorsement or disapproval of religion.

In its appeal, Shelton Brothers raised the fact that the distributor previously sold beers in Connecticut named Bad Elf, Very Bad Elf and even Santa's Butt. Lamoreaux also cited a New York case involving Bad Frog beer. In that case, the court ruled that the potential for an image to attract a child is not reason enough to ban it from a beer bottle because there are already laws against selling beer to minors.

Meanwhile, in Copenhagen, Denmark, Olavi Nikkanoff knew he was in for a blue Christmas when he discovered his pet reindeer, Rudolf, died of heart failure after two F-16 fighter jets from the Danish Air Force zoomed over Nikkanoff's farm at low altitude.

Instead of buzzing the tower like Tom Cruise did in Top Gun, the Danish fight pilots buzzed the silo on Nikkanoff's farm. A veterinarian confirmed that Rudolf died of heart failure and definitely would no longer be participating in any reindeer games.

Nikkanoff, a part-time Santa Claus, now only had one remaining reindeer left to pull his sleigh this Christmas. The air force investigated its flight data and Nikkanoff's veterinary reports and determined that their flyby resulted in Rudolf's untimely demise. Accordingly, the air force settled with Nikkanoff for \$5,000 to compensate him for the cost of the reindeer and veterinary bills. Nikkanoff is going to use the funds to buy a new deer to pull his sleigh in time for Christmas Eve.

Nikkanoff is purportedly arming his elves with slingshots and Christmas ornaments to fire at any other aircraft buzzing his farm.

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